

NAYS—2

Hawley Scott (FL)

NOT VOTING—5

Barrasso Rounds Tillis
Luján Sanders

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table, and the President will be immediately notified of the Senate's actions.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John Patrick Coffey, of New York, to be General Counsel of the Department of the Navy.

VOTE ON COFFEY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Coffey nomination?

Mr. REED. I ask for the yeas and nays, please.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), and the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—79

Baldwin	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rubio
Booker	Hoeven	Sasse
Brown	Inhofe	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	Kennedy	Shelby
Cardin	King	Sinema
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Cassidy	Lee	Stabenow
Collins	Manchin	Sullivan
Coons	Markey	Tester
Cornyn	McConnell	Thune
Cortez Masto	Menendez	Tillis
Cramer	Merkley	Toomey
Crapo	Murkowski	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warrick
Ernst	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Fischer	Paul	Wicker
Gillibrand	Peters	Wyden
Graham	Portman	Young
Grassley	Reed	

NAYS—17

Blackburn	Hagerty	Marshall
Boozman	Hawley	Moran
Braun	Hyde-Smith	Scott (FL)
Cotton	Johnson	Scott (SC)
Cruz	Lankford	Tuberville
Daines	Lummis	

NOT VOTING—4

Barrasso Rounds
Luján Sanders

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Texas.

BIDEN ADMINISTRATION

Mr. CORNYN. Madam President, folks in Texas and across the country are looking to their elected officials for sound leadership. Family budgets are being clobbered by the worst inflation in 40 years. From gas stations to grocery stores and everywhere in between, people are spending significantly more money on their basic expenses. Inflation has outpaced wage growth, giving the average worker a pay cut. That is what inflation does. It erodes and undermines your standard of living by charging more for basic goods and services.

Families aren't just stressing about their finances; they are also worried about their safety. The shocking surge in violent crime that began in 2020 hasn't just continued. In many places, it has accelerated, and last year several major cities had their deadliest year on record.

With the safety and well-being of their families at the forefront, our constituents want to know what is being done to address these problems. They are pretty basic.

What types of solutions do their representatives have in the Senate and the House? What actions are the White House contemplating and how long will it be before they can experience some relief? Unfortunately, when the voters gave Democrats the leadership of the White House and both Houses of Congress, the responsibility has largely been up to them to provide that leadership when it comes to the agenda.

Unfortunately, the real problems that my constituents in Texas are experiencing, like inflation and crime, those were the last things for our leaders here in Washington to consider. Forget real problems and real families; Democrats' governing strategy was dictated by partisan ambitions.

Our colleagues tried to give the Internal Revenue Service the unprecedented authority and manpower to snoop on the finances of virtually every single American. Now, we are accustomed to the fact that the IRS knows how much you make; that is how you calculate your taxes. But our Democratic colleagues went so far as to inquire for every family: How much money do you spend and what do you spend it on? That sort of invasion of privacy is unprecedented.

Then our colleagues on the other side of the aisle tried to get involved in the childcare business and dictate what sort of childcare and where you would be able to get that childcare and how much it would cost. Basically, saying to those who are motivated to help support families when it comes to childcare, that if you are a faith-based organization, you are not going to qualify. And because of the huge influx of money that the Democrats were planning to put into childcare, excluding a huge segment of the childcare providers was going to result in scarce supply and run up the price, further exacerbating inflation.

Then we saw when it comes to the wealthy—our Democratic colleagues like to be the party of the average working person and complain about Big Business and millionaires and billionaires. But what do they do when it comes to tax proposals? They propose to give millionaires and billionaires a tax cut by eliminating the cap on deductibility of State and local taxes in high-tax jurisdictions like New York and California. Who would have to pick up the responsibility or deficit? Well, you guessed it; it would be the middle class.

Then we saw our colleagues on the left use the last year to attempt a Federal takeover of State-run elections. Some even proposed to blow up the rules of the Senate and eliminate the filibuster, the one thing that forces us to do what doesn't come naturally, which is to work together and build bipartisan consensus.

There were proposals from the majority leader himself and others saying we are going to blow up the Senate because we cannot get our way, and the main reason we can't get our way is because we are unwilling to work with the other side of the aisle. Thank goodness two of our colleagues, the Senator from West Virginia and the Senator from Arizona, tapped the brakes, and we have not yet found ourselves in that situation.

So every one of these examples I mentioned has been tried and failed in this last year. But there is, of course, what economists call opportunity costs. We can't take back the last year that we wasted on these partisan efforts. A lot of the damage has been done. Invaluable time has been wasted on partisan legislation that was sure to go nowhere, while the most basic responsibilities of governing had been tossed aside.

Last year, our Democratic colleagues nearly dropped a debt bomb on our economy. We had to spend a lot of money during the COVID pandemic. And during the last year of the Trump administration, we did that on a bipartisan basis. But even after the imminent need for that help was subsiding, our colleagues decided to spend another \$2 trillion in the first months of the Biden administration. Only 10 percent of that was COVID-19 related and

less than 1 percent had to do with people getting access to therapeutics and vaccine.

Our colleagues allowed the National Defense Authorization Act to sit on the shelf, to linger on the calendar for months, leaving it until the very last minute. And then we find ourselves just 9 days away from a shutdown of the Federal Government. Our colleagues in the majority have yet to pass a single appropriations bill on a regular basis. And unless Congress takes action here in the next week and a half, the American people can add a government shutdown to the list of crises that we are facing.

Unfortunately, this is a familiar story. We found ourselves in this position on more than one occasion over the last several months. Congress's deadline to pass funding bills doesn't just pop up out of nowhere. It hits at the same time every year, September 30. Back in September, it was clear that a yearlong funding bill was nowhere in sight, and so our colleagues in the majority kicked the can down the road for 2 months. Rather than use that time to try to pass annual appropriations bills, they wasted week after week on unserious, partisan bills.

By the time the new deadline rolled around, nothing had changed, and so our colleagues had to punt again, setting up a new deadline of February 18. And based on the way things look right now, it doesn't appear that we are any closer to an annual funding agreement than we were last September or last December. There is some rumor of a top-line funding level agreement but no real progress on the underlying substance of these appropriations bills.

So you can't help but wonder, how has it taken so long to accomplish so little? Our colleagues are steering the ship of state, both Chambers of Congress, and the White House, and still we can't seem to come up with a way to do the basic function of governing, which is to fund the government. We managed to avoid government shutdowns, to be sure, but that is a pretty low bar to clear.

The Democratic majority has introduced yet another short-term funding bill that would carry us through March 11. I sincerely hope that progress can be made before then. I am just not sure how long the conversation should continue when we know what the job is that remains to be done and what the sticking points are.

But that is where we are. Our colleagues haven't just punted critical responsibilities. In some cases, they have ignored them completely.

In 2021, for the first time on record, there were more than 2 million people who attempted to enter the United States without a visa, a passport, or legal immigration papers—2 million people—and those are just the ones that the Border Patrol encountered. It doesn't count the so-called “got-aways,” which is what the Border Patrol calls the drug smugglers and other

criminals who come across the border at the same time.

Two million people is larger than the population of a dozen individual States. That is how many new people have come into the United States during a pandemic, without being vaccinated, without proof of a negative COVID test, and at a time when people are concerned about their jobs.

The Biden administration has allowed this crisis to grow and grow and grow without any substantial action. As a matter of fact, the Secretary of Homeland Security and other members of the President's Cabinet have actually made it worse. Border Patrol will tell you there are two main things that they look for when it comes to illegal immigration. They look for the push factors, which are things like violence and poverty in some of the states and places people are coming from. We all get that. We understand those being the push factors, but they also talk about the pull factors, which puts a big sign out that you are free to come to the United States without any real consequence. You don't need to get in line. You don't need to comply with our immigration laws. You can just come as fast as you can get here.

One of the biggest pull factors is the misguided guidance from the Secretary of Homeland Security himself. I call it nonenforcement guidance. Basically, Secretary Mayorkas has said Border Patrol will not detain anyone whose only offense is entering the country illegally.

That sends a big welcome sign to anybody who wants to come to the United States without going through our legal immigration system. And the transnational criminal organizations that benefit from this financially make millions and millions—including billions—of dollars by smuggling people and drugs into the United States.

And while an open border's message may appeal to some elements on the left, it is creating serious burdens for law enforcement in border communities.

Over the last year, I have spent a lot of time listening to my constituents and the professionals in the Border Patrol about the many challenges that this crisis has created. Border Patrol agents are pulling double duty as childcare providers because our laws incentivize unaccompanied minors to come to the United States.

Now, nobody actually believes they get here on their own, but once they are here, under our current laws, they have to be placed with the State, with a sponsor, and told to show up for a hearing—for your asylum hearing—months, maybe years, in the future. And nobody is surprised when as many as half of those individuals don't show up for their asylum hearing—same thing for the adults in the family units.

But while you may think that this is primarily a problem for border States like Texas and Arizona, California and

New Mexico, and others, it actually extends throughout the country. One of our colleagues from Montana tells me that his sheriff in one of his major cities said that one of the biggest problems they have is methamphetamine that is smuggled across the U.S.-Mexico border.

You can't get much farther north, and you can't get much farther away from the southwestern border than the State of Montana, but that is what the ripple effect of this uncontrolled illegal immigration, along with the drugs being smuggled across the border—those are the consequences of those failures by the administration.

Leaders in my State have constantly sought for the administration to take some action. This is a Federal responsibility, not a State responsibility. They have asked for more staff, better resources, and better policies to put an end to some of these pull factors.

But the Biden administration has done nothing to make it better. I would argue that they have actually made it worse with policies like the non-enforcement policy that Secretary Mayorkas issued months ago.

Senator SINEMA—a Senator from another border State and a Democrat—and I offered the Bipartisan Border Solutions Act, along with a Democrat and a Republican House Member, with the idea that if maybe we came up with a bipartisan, bicameral proposal, the Biden administration would say: Well, why don't we start there? Why don't we start the discussions there?

Well, the Biden administration refused to take any action, and the chairman of the Senate Judiciary Committee here in the Senate has refused to even hold a hearing on that bill.

Now, our Democratic colleagues may control all levers of government, but, for sure, that is a far cry from actually governing. Our colleagues can't seem to accomplish the bare minimum, let alone craft policies that address the needs of families.

Our colleagues seem to think that these partisan victories are the only way they can prove to voters that they know how to govern, but they got it backward, and they don't have much to show for it. The reality is, our colleagues' burning focus on partisan legislation has kept them from achieving much of anything at all.

Our colleagues have been so distracted by their own partisan ambitions that they have allowed the Senate to skate from crisis to crisis without meaningful action.

I can only hope that our colleagues will recognize that what they have been doing is not working and engage in some sort of midcourse correction in the coming months.

The truth is, our country deserves a government that works for the American people, not for just one political party or for any constituency within that political party, like the progressive left.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mrs. SHAHEEN. Madam President, I would ask unanimous consent that the Senate resume consideration of the MacBride nomination until 6 p.m. and that at 6 p.m. the Senate vote on confirmation of the Baker and Lewis nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Neil Harvey MacBride, of Virginia, to be General Counsel for the Department of the Treasury.

Mrs. SHAHEEN. For the information of the Senate, we expect to line up to three additional votes this evening. Therefore, Senators should expect a series of up to five rollcall votes beginning at 6 p.m. Senators are asked to vote from their desks after the first vote so we can move these along and not spend all night here.

CONTINUING RESOLUTION

Mrs. SHAHEEN. Madam President, I am actually on the floor to speak to a different issue, even though I think expediting votes is an important one, and I support that.

But I am really here to highlight the negative consequences for our country of continuing to fund our government through continuing resolutions.

One of the most basic constitutional duties of Congress is the appropriations process. The Nation relies on this body to provide Federal funds for programs that support national defense, small businesses, our border defenses, conservation of public lands, food assistance for low-income families, and so much, much more.

And as a long-serving Member of the Senate Appropriations Committee, I am extremely disappointed that Congress is about to pass yet another CR that is going to take us to March 11, nearly 5 months past the start of the fiscal year.

Now, on a positive note, I understand that there is a tentative agreement on top-line funding, so that we should have budget numbers for an omnibus that would fund the remainder of the fiscal year. And that is good news. But the fundamental problem remains; long-term CRs create uncertainty and inefficiencies inside and outside of the Federal Government.

CRs prevent Agencies from issuing new grants or expanding programs. They curtail hiring and recruitment. And moreover, those who rely on government programs and Federal resources—and that could be either SNAP recipients or defense contractors, but everyone is forced into a budgetary limbo.

And simply put, when Congress refuses to act, people can't do their jobs,

and this is especially true for our military men and women who are serving.

From Russia's efforts to undermine democracies in Europe to China's rapidly expanding sphere of influence, to the unpredictable threat of rogue actors like North Korea and Iran, the threats we face today are varied and numerous. And nothing hinders our national security more than funding our national priorities in piecemeal fashion.

Make no mistake, as we are engaged in this crisis right now in Europe, where Russia is on the borders of Ukraine, threatening to invade, we can bet that Vladimir Putin is watching our Congress to see if we can actually get an agreement to get a budget funded for the rest of this year.

Recently, several of my colleagues from the Appropriations Subcommittee on Defense and the Armed Services Committee met with Marine Corps Commandant General Berger to discuss the challenges that are facing the Marines. The message from General Berger was clear: If we continue to fund our government through CRs, it will erode our military readiness, and it will cut training time and impede the maintenance processes we rely on to keep our soldiers safe.

The impact of continued CRs on our military would be wide-ranging, and the negative effects would continue to ripple for years. And we had this experience since I have been here. In 2012 and 2013, when we had the budget cliff, we saw what happened to our military. We saw readiness of our men and women in uniform erode.

Thousands of pilot flight hours would be lost. Critical exercises within our national allies would be canceled. Our overall global presence diminished at a time in which our adversaries are seeking to outcompete us in multiple theaters.

Aircraft like the brandnew KC-46 tankers that we are so proud to have stationed at Pease Air National Guard Base in New Hampshire, they are such a point of pride. They are an invaluable strategic national asset, but they would spend more time on the ground rather than flying the missions that they were designed for.

And submarines, the backbone of our nuclear deterrence and technological overmatch against our adversaries and, by the way, the ships that China is most concerned about, are an instantly recognizable symbol of American military might and the values of our country, they would be sidelined due to maintenance disruptions.

That would have significant impact not just for our readiness but also for places like the Portsmouth Naval Shipyard, which has as its responsibility the maintenance and repair of our attack submarines.

So what kind of a signal does it send to adversaries like Russia, as they continue amassing troops on the Ukrainian border and threaten the stability of Europe, when we can't get a budget?

Long-term efforts to recruit and retain the best and brightest to serve in our military would be undone as bonus and incentive pays are cut and overall end-strength numbers decrease by thousands.

Military families would be forced to bear the burden of greater financial uncertainty on top of the many sacrifices that they already make for our country. We would be left with a smaller, less capable force that is demoralized from pay cuts and forced to shoulder greater risks for their safety.

Now, in addition to the harm to our servicemembers and military families, we would also be undermining the critical modernization efforts that we need to keep pace at a time when competitors like China are experiencing technological breakthroughs.

Just 8 months ago, I am sure we all remember that China tested an advanced hypersonic missile that was launched into space before reentering the atmosphere and nearly hitting its target.

This test should serve as a wake-up call about the urgent threat that China's military breakthroughs pose. And if the U.S. research and development efforts are slowed down due to the constraints of operating under a continuing resolution, we will not be able to drive the innovation needed to keep pace with China, let alone regain a convincing advantage.

And make no mistake, Putin isn't the only one watching to see if we can get a budget agreement in this Congress. Xi is also watching from China.

The development of our next-generation fighter to ensure we maintain air superiority in the air will be slowed.

Our efforts to defend against cyber attacks that could cripple critical infrastructure or expose national security secrets would be hamstrung.

Simply put, for all the might and selfless service of our service men and women, we would be asking them to defend us while tying their hands behind their backs simply because we in Congress can't find the courage of compromise.

I would say to my colleague Senator CORNYN from Texas, who talked about the narrow focus of Democrats—who are in the majority in this body right now, very slim majority—worrying only about our own parochial interests, that this is an opportunity for us to work together. Let's work across the aisle and see if we can't find some agreement on budget that will get this done not just for the remaining months of this fiscal year but next year and the next year and the next year.

China doesn't just compete with us on military technology; China and our other economic competitors are pouring resources into scientific and technological innovation. And if we want to sustain our global prosperity, global leadership, and national security, we cannot afford to be caught flatfooted.

That is why last week the House of Representatives passed the America